

Nalco Docket No.: 7759
Customer No. 000049459

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REMARKS

This in reply to the Final Office Action mailed on February 21, 2006 ("Office Action").

Claims 14-24 are currently pending.

Claims 14-19 are rejected under 35 U.S.C. § 112, Second Paragraph.

Claims 14-19 are rejected under 35 U.S.C. § 112, First Paragraph.

Claims 14 and 15 are amended to particularly point out and distinctly claim subject matter which Applicant regards as his invention.

Claims 20-24 are allowed.

No new matter is added.

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DISCUSSION

The Rejection of Claims 14-19 under 35 U.S.C. § 112, Second Paragraph

Claims 14-19 are rejected under 35 U.S.C. § 112, Second Paragraph. In particular, the Examiner states:

In claim 1, it cites: consisting of. The phrase "consisting of" is close language. However, it also recites: optionally. The "optionally" is open language. It does not clearly define the scope of inventive subject matters in view of the contradiction.

Claims 15-19 are rejected because they depend on claim 14.

In claim 15 it recites: "consisting of", with d) component. Because claim 15 depends from claim 14, which also recites: consisting of, but in different scope. It does not further limit the claim 14 clearly as two different "consisting of" direct to same subject matters.

Office Action at page 2.

Applicant respectfully traverses this rejection.

Applicant has amended claim 14 to strike "optionally" with regard to the base and inert ingredients. Claim 15 is amended to include base for pH adjustments so that it is consistent with amended claim 14. Support for this amendment is found in the Examples, particularly page 19, lines 5-7.

Accordingly, Applicant respectfully asserts that claims 14-19 particularly point out and distinctly claims subject matter which Applicant regards as his invention and therefore respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

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The Rejection of Claims 14-19 under 35 U.S.C. § 112, First Paragraph

Claims 14-19 are rejected under 35 U.S.C. § 112, First Paragraph as failing to comply with the enablement requirement. In particular, the Examiner states:

The claims(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 14, the base for pH adjustment is optional, in view of applicant's Specification, on page 12 as well as page 19. The base is used when certain portion of DTMPA is replaced by polyacrylic acid. In each Examples of applicants' specification, sufficient base is needed. Therefore, the mixture of instant claim 14 would not be able to by synergistic mixture for enhancing the brightness of bleached pulp as base is optional when the polyacrylic acids are used with DTMPA.

Office Action at pages 2-3.

Applicant respectfully traverses this rejection.

As discussed above, Applicant has amended claim 14 so that base is not an optional component. Accordingly, Applicant respectfully asserts that the claims are commensurate in scope with the Examples and therefore respectfully requests withdrawal of the rejection of claims 14-19 under 35 U.S.C. § 112, first paragraph.

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CONCLUSION

Applicant respectfully requests entry of the foregoing amendment as it presents the rejected claims in better form for consideration on appeal and further respectfully requests withdrawal of the rejections under § 112 first and second paragraphs and asserts that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully Submitted,



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